

engaged in or is able to engage in a gainful occupation paying more than the difference between his retirement allowance and his average final compensation and should the board of trustees concur in such report, then the amount of his pension shall be reduced to an amount which, together with his annuity and the amount earnable by him, shall equal the amount of his average final compensation. Should his earning capacity be later changed, the amount of his pension may be further modified, provided that the new pension shall not exceed the amount of the pension originally granted nor an amount which, when added to the amount earnable by the beneficiary together with his annuity, equals the amount of his average final compensation. A beneficiary restored to active service at a salary less than the average final compensation upon the basis of which he was retired shall not become a member of the retirement system until his salary is at least equal to such average final compensation. For the purposes of this paragraph, "retirement allowance" shall mean the allowance payable without optional modification as hereinafter provided in subsection (11) of this section. The allowed earnings of a disability pensioner shall be determined by the difference between his retirement allowance at the time of his retirement and his average final compensation.

(b) Should a disability beneficiary under the age of 60 be restored to active service and should his annual compensation then or at any time prior to the age of 60 be equal to or greater than his average final compensation at retirement, his allowance shall cease, he shall again become a member of the retirement system, and he shall contribute thereafter at the same rate he paid prior to disability. Anything in this article to the contrary notwithstanding, prior service credit shall be restored to full force and effect, and in addition, upon his subsequent retirement he shall be credited with all the service as a member creditable to him at the time of retirement; but should he be restored to membership after the attainment of age 50, his pension upon subsequent retirement shall not exceed the pension which he was receiving immediately prior to his last restoration to membership and the pension that may have accrued to him as a new member on account of service since his last restoration to membership, provided that the total pension on his subsequent retirement shall not exceed the rate per centum he would have received had he remained in service during the period of his prior retirement.

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(4a) Upon the application of a member or of his State or county superintendent of schools, any member who has been totally and permanently incapacitated for duty as the natural and proximate result of an accident occurring while in the actual performance of duty at some definite time and place, without willful negligence on his part, shall be retired by the board of trustees, provided that the medical